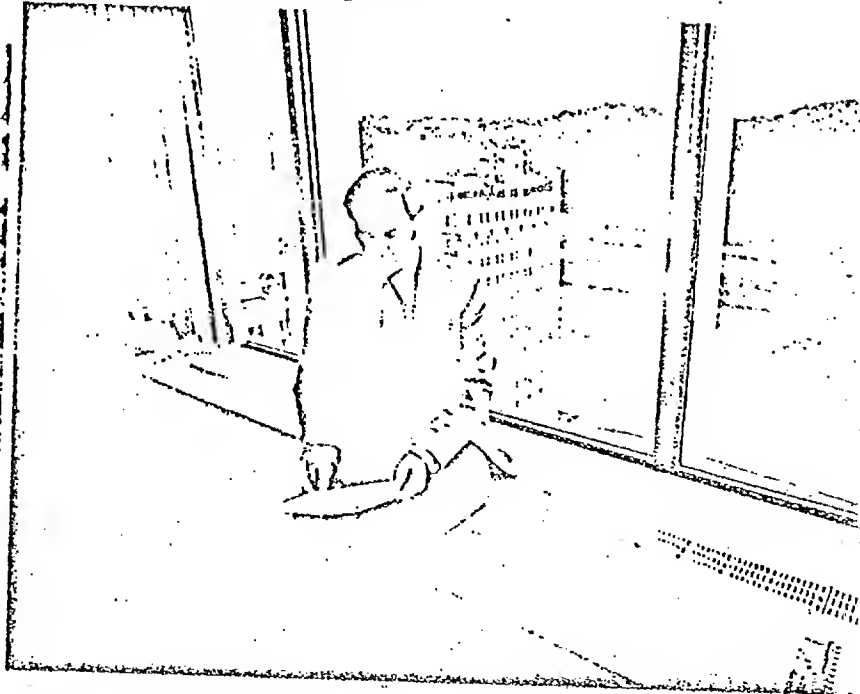


For these two men, ecological controversies touched off career crises. Economist Robert Lamson, left, had to quit his job at a nuclear power project; Charles Beasley, below, believes he was denied a tenured professorship over a strip-mining issue.

Young Computer Science
The Consulting Division



When Conscience and Career Collide

Deciding what to do is toughest when you're not directly involved in a questionable practice but you know it's going on.

by Avery Comarow

A young management consultant, his Harvard M.B.A. still warm, had completed a series of high-priced studies for an important client. He knew he could offer nothing more of value to his client, but his superiors weren't satisfied. They wanted the client pressured into still more contracts. Though it disturbed the young consultant to do superfluous work, he went along.

Another man, in his late 30s, was the \$80,000-a-year chief financial officer of a large manufacturing concern. Late last year he learned that company representatives were routinely bribing distributors to push the firm's products. Unless the payoffs ceased, he told the company's chief executive officer, he would quit. The ex-

ecutive replied sharply that he knew all about the payoffs and saw no reason to stop them. The financial officer promptly quit. He is still without a job, says a close friend, but remains convinced that he did the right thing.

The ethical thicket

Making decisions of conscience isn't something you do every day in the office, but most people, whether they're in government, industry or some other field, probably struggle with questions of right and wrong at least a few times in their careers. "I've interviewed almost everybody I've interviewed: he's run into these ethical problem reports a Chicago executive recruit. Reassuringly, however, the messes from dozens of business and acaden

sources is that a blend of common sense and caution can lead you out of the ethical thicket without snagging either your career or your conscience.

In a 1973 report by the American Management Associations, about 70% of nearly 3,000 businessmen surveyed said they at least occasionally were expected to compromise their principles to conform to their company's or their boss' standards. Moreover, they ranked "reputation for firm moral and/or ethical convictions" at the bottom of a list of factors considered in awarding promotions, behind "family and ethnic background" and far to the rear of "personal contacts ('who you know')."

Some unethical behavior may simply offend your scruples—putting profits above environmental considerations or pushing a customer to buy a product that he doesn't need. Michael Lovdal, who teaches a course in business policy at the Harvard Business School, says: "Milking clients bothers a lot of my former students who are management consultants, but most go along because it's the kind of decision that can be rationalized without too much trouble. You can tell yourself that there's always something more you can study for a client." Other categories of misbehavior are plainly illegal—tampering with corporate accounts, for example, or selling horse meat as sirloin.

"You have to decide where to draw the line," says Jacques Nordeman, chairman of MBA Resources Inc., a New York executive search firm. Nordeman draws his line at little things: he won't so much as take home office pens and pads. "Little things turn into big things," he believes. "The safe thing to do is set the highest possible standards for yourself." Herbert Edelbertz of the Battelle Human Affairs Research Center in Seattle, former chief white-collar crime prosecutor for the U.S. Justice Department, puts it this way: "Don't ask the question, 'Will anyone ever see what I've done?' Assume they will."

Don't explain

When the pressure is on to relax your own standards, the decision may be difficult but at least it's uncomplicated—either you do or you don't. The message from *Money's* sources is equally uncomplicated: don't. In saying no, be tactful but firm. Refuse immediately rather than thinking it over;

delaying can magnify the matter into a big one. And long explanations; justifying your position probably will embarrass the other person—and may give him something tangible to pick apart.

A former personnel director of a large midwestern drug company who complied with an order he considered unethical now wishes he hadn't. His instructions were to find a replacement for a friend of his who was to be demoted—undeservedly, in the personnel director's opinion. He was also forbidden to tell his friend, who nevertheless increasingly sensed something amiss as the search went on, and begged to know what it was. Upset by the tug of war between his job and his friend, he quit after finishing the search. His friend, meanwhile, had read the signs correctly and severed the friendship. "I lost the friendship of a guy I'd grown up with," says the personnel director, now a successful executive recruiter. "I felt used. The whole shabby thing violated my personal ethics, but I didn't know how to say no. Today, given the same order, I wouldn't do it. I'm sure I would have kept my job, and I know I would have kept my integrity."

"I was squeezed out"

Robert D. Lamson, a West Coast economist, wasn't asked to do anything wrong but to stop doing something he thought was right. Lamson had a \$40,000-a-year job with Boeing Computer Services Inc., a Boeing Co. subsidiary. On his own time he became a spokesman for two local groups that, for reasons of safety and economy, opposed four nuclear power plants scheduled to be built near Seattle. Though he emphasized in his papers and debates that he spoke for the group and not for Boeing, the increasing publicity Lamson was attracting embarrassed Boeing officials. They told him to choose between his job and his cause. He quit last April.

"I was squeezed out—that's what it amounts to," says Lamson. "It's very difficult for someone in a large corporation to take a moral stand on public issues without jeopardizing his career, and when that's true, our society has a serious problem." Peter Bush, Boeing's director of public relations, calls Lamson "a good man and top-notch economist" caught in a "conflict of interest" because his public statements might have affected the company's future involvement in nu-

clear power. Lamson is supporting his own business by the proceeds of small consulting contracts—the first of which came from Boeing—but his future is uncertain.

The case of mining specialist Charles Beasley has taken a happier turn. In 1973, Beasley, then associate professor of mining engineering at Virginia Polytechnic Institute, wrote to U.S. Interior Secretary Rogers C.B. Morton, urging the Interior Department to study better ways to reclaim strip-mined land in states where steep slopes make reclamation difficult. That same year VPI denied Beasley's application for tenure. "Chuck Beasley's stand on strip mining had nothing to do with the tenure issue," says Paul E. Torgersen, VPI's dean of engineering. "I made my decision on strict economic grounds. There simply wasn't enough room for another tenured faculty member."

Unlike Lamson, Beasley found being out of a job "an opportunity to grow." He currently works in Charleston, W.Va. as regional manager for one of the country's largest mining consultants. Many of the controls on strip mining that Beasley urged in 1973 now are law, and he calls himself "a happy man."

To leave or fight

Deciding what to do is toughest when you are not directly involved in a questionable or dishonest practice but you know it's going on and disapprove of it. "In our society the sense of being a squealer is very strong," says psychologist Harry Levinson, whose Levinson Institute in Cambridge, Mass. advises companies on organizational changes. "Faced with behavior that offends them seriously enough, most people choose to leave rather than fight. They feel any victory would be Pyrrhic, and perhaps it would. People who pursue a grievance almost always damage their careers in some way, and there's no guarantee of protection."

More bluntly, Robert Townsend, the retired top executive who wrote *Up the Organization* (1970), a dissection of corporate foibles, says: "My advice would be to mind your own goddamn business if it's a minor matter. In the first place, I don't believe in imposing my morality on somebody else. Besides, little things like padding expense accounts are built into corporations. They're safety valves, little ways people can get back because

continued



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CONSCIENCE *continued*

they feel exploited in some way. When I was with American Express, people used to brag to me about cheating on their expense accounts. What the hell it didn't amount to all that much and made them feel better, so what harm did it do?"

Not everyone can close his or her eyes to a boss who doctors the budget, a co-worker who takes "pus" money" from suppliers or even, perhaps, a friend who pads expense accounts. But those who decide to take action become extremely vulnerable. If your boss finds out that you are complaining about him—or, to take an extreme case, if you criticize your employer publicly—"you have virtually no legal protection," warns Arthur S. Miller, a constitutional and administrative law specialist at Georgetown Law School in Washington, D.C. There's less risk for public than for private employees, since recent court rulings support the right of teachers, civil servants and other government workers to speak out without losing their jobs. Litigation is messy and expensive, however.

Four kinds of action

Before acting rashly, discuss whatever is bothering you with a close friend—one within your organization if possible—and with your spouse. It may be that your huge indignation will turn to mild resentment once the details are well aired. If you continue to boil, bear in mind that any path you take has its dangers. Your main choices:

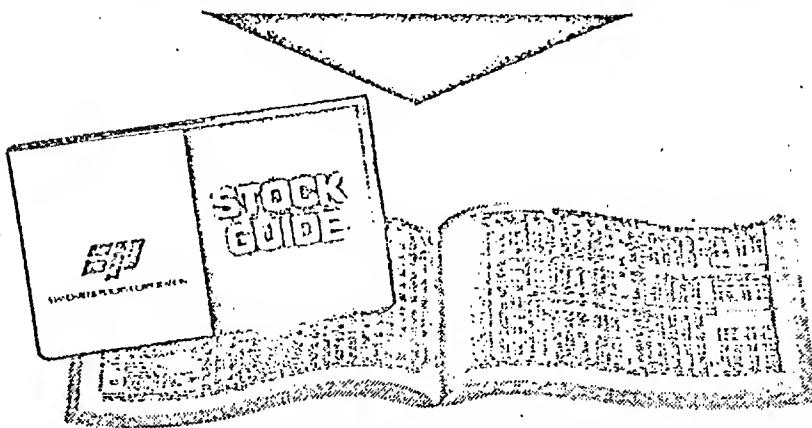
► **Confronting the offender.** Employ maximum tact and diplomacy—especially if he's your boss. No matter how delicate your touch, you may well permanently change your relationship with this person. He may smolder and strike back. At the least, what will riding an elevator or having lunch with him be like afterward? Advises Paul M. Hammaker, a former president of Montgomery Ward and now senior fellow at the Center for the Study of Applied Ethics at the University of Virginia: "You say, 'Boss, I'd like some advice. There's something you're doing that bothers me, but maybe my standards are cockeyed. Explain it so I'll understand.' Most bosses won't fire you on the spot. If he won't discuss it then I think it's time to look for a job with another company. It's your sense of ethics that's being violated, not everybody's, and it's not your place to change people."

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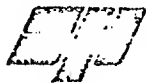
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► Protesting to the offender's su- most organizations this is a form of personal disloyalty. If your boss finds out and you lose the fight, you're dead," claims Peter Petkas, who directed Ralph Nader's now-disbanded Clearinghouse on Professional Responsibility, which investigated letters from people who charged their employers with defrauding the public.

If you do go over somebody's head, it may be best to go all the way to the chairman or president. "Business people at the top don't have any idea what's going on below most of the time," says Wayne Hopkins, a U.S. Chamber of Commerce specialist in white-collar crime. "They're grateful to find out."

J. Irwin Miller, chairman of Cummins Engine, makes a point of staying in touch. "Not a week goes by," he says, "but some employee comes to my office or my home to tell me about something dubious going on in his department that he thinks I should know about. I always get right to the bottom of it."

Not all corporate chiefs open their offices, let alone their homes, to rank-and-file employees to the extent Miller does, however. If you suspect that your top executive falls into the don't-care category, tap the executive two or three layers above your boss, far enough above him so that the two aren't in constant touch but close enough for the top man to be concerned. Most of *Money's* sources feel that disclosure should be personal—not over the telephone and not in writing, though you should be prepared to back up your charges with written documentation. "And make sure your own windows are clean," adds one executive recruiter. Clean windows, however, didn't help a former sales executive of U.S. Steel. Several years ago, after protesting to company officials that a new kind of pipe had been inadequately tested and might fail, with dangerous consequences, he was fired for "insubordination."

► Going sideways. It may seem best to inform someone in another department—the controller's office, for example, if your boss is juggling the books, or the general counsel's office if you suspect a law has been broken. But obviously you shouldn't just walk up to the nearest accountant scrawling in a ledger and blurt out your story. You're dealing with information that could leave your career in shards if

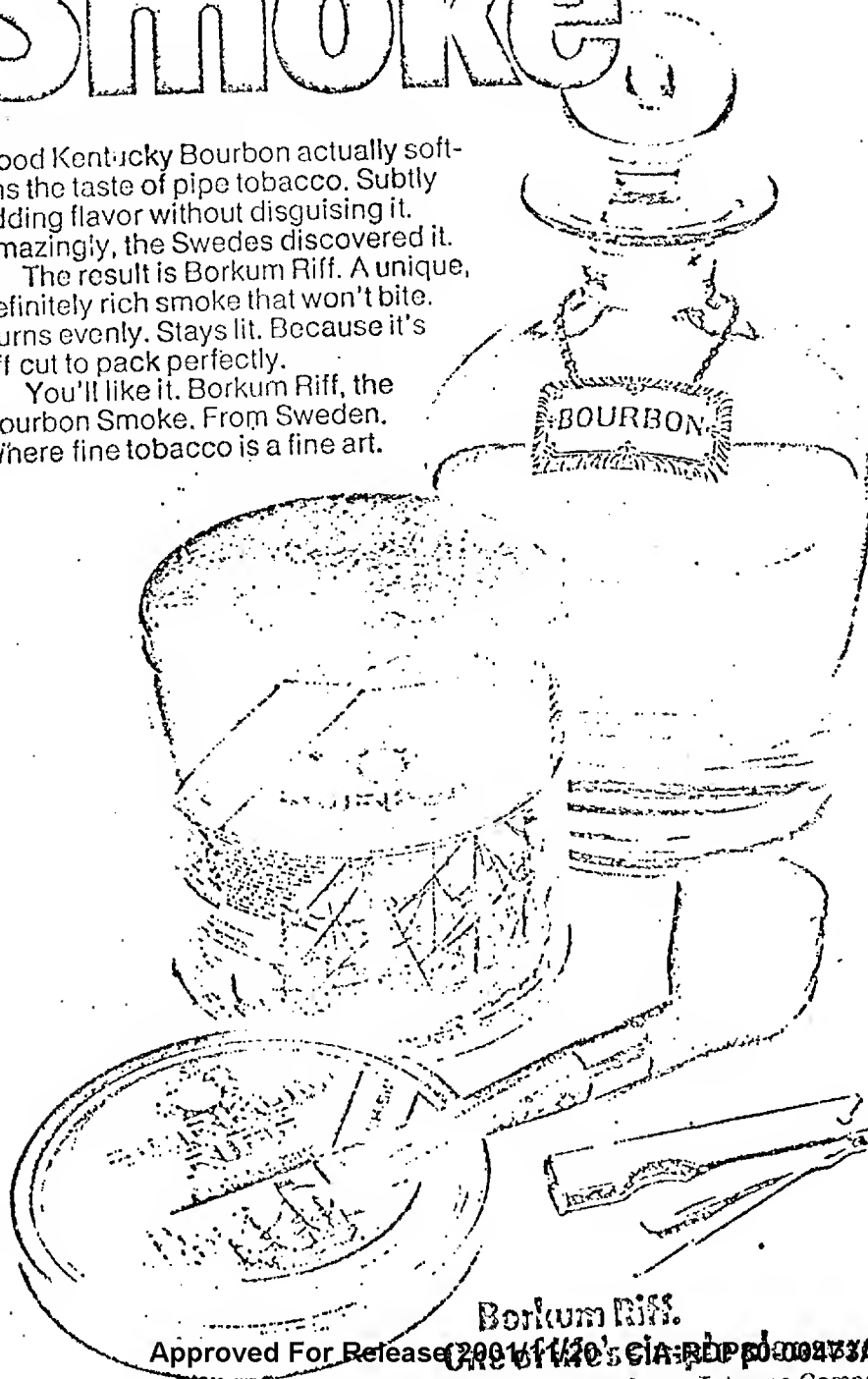
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handled carelessly, so do what you can to find the right person. The best way to find someone trustworthy probably is through a friend in the company who works regularly with the department you want to contact; someone who works with the payroll, for instance, may be able to steer you to the one close-mouthed accountant in the controller's office. No matter how you find the right person, get to know him or her, perhaps over lunch. Finally, if you're convinced he can be trusted, suggest that he might want to check so-and-so's books, or budget reports, or whatever.

► Sending an anonymous note. This probably stands the least chance of success. "Anonymous tips in the suggestion box or by phone to the chairman aren't likely to work very well," says Harry Levinson, "because there are always disgruntled people with specious complaints. Most companies lack the mechanism to separate the wheat from the chaff, so the assumption would generally be that an anonymous note or call isn't worth pursuing." Nonetheless, this approach has the advantage of being comparatively safe.

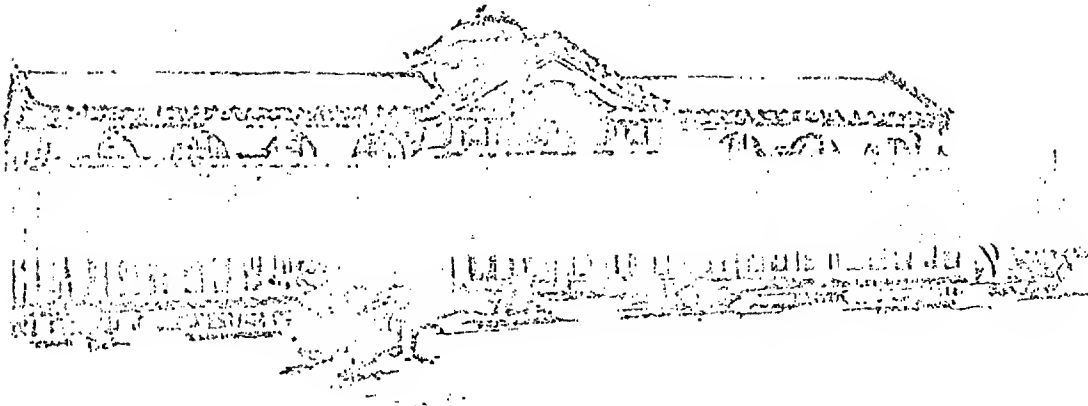
A mayor's tale

It's even safer to work for an outfit where ethical behavior is the rule from top to bottom. "A friend of mine was elected mayor of a good-size town," says Paul Hammaker, the former president of Montgomery Ward, "and one day he got a parking ticket. He could have ignored it, but instead he paid it. Then he got Christmas gifts at the office, but he returned them. A funny thing happened: when the people in his office got parking tickets, they paid them rather than having them taken care of; and when they got Christmas presents from politicians, they returned them. Office standards usually reflect the guy at the top."

END

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SPRING/SUMMER 1976 - 24th ISSUE



Colonel Barrie P. Masters (USA) is an Operations Research and Systems Analysis Officer who has done considerable work in the field of tactical and strategic intelligence. He was educated at the University of Oklahoma, BS; and the University of Southern California, MS. Colonel Masters was a member of the Class of 1976 at the Industrial College of the Armed Forces.

THE ETHICS OF INTELLIGENCE ACTIVITIES

How can we further America's interest in a world where power remains the ultimate arbiter, and at the same time remain committed to the strong moral values that gave birth to our Nation? How do we reconcile and advance both aspects of our national purpose? In short, how do we resolve the relationship between principle and the needs of power?

The above quotation from a speech by Secretary of State Henry Kissinger on July 15, 1975, appears to capture the essence of the current national debate over the role of ethics in the conduct of our national intelligence activities. Unfortunately the answers to these questions are not easily derived. The subject of ethics is difficult enough to come to grips with when one is talking about such relatively mundane activities as the practice of medicine or law or the pursuit of business profits. An examination of ethics as applied to our national intelligence activities, especially in peacetime, is made enormously more difficult by a score of unique factors. Included among these is the lack of general agreement over the legitimacy of the intelligence function itself, the difficulty of separating ends from means in specific functional areas and the belief in many quarters that the requirement for secrecy is such a vitally inherent component of a successful "intelligence activity" that the subject cannot even be properly

debated. Because of these difficulties, it seems that it is essential to begin by making some effort to define the terms "intelligence activities" and "ethics" before discussing them and to do this in a way that permits ends to be separated from means. After all, there is little point in debating the extent to which the public should have access to intelligence information, if the public has decided that intelligence collection is a repugnant operation which must be terminated.

Intelligence Activities

From the outset, it is important to establish that the term intelligence activities covers a variety of functions which, while often employing similar or even common means, are clearly aimed at different ends. If there is any common thread to define intelligence activities in a modern context, it is only that they involve the secret or erstwhile secret actions of one nation against others. The British divide the activities that we generally call "intelligence" activities into five main functional areas:

1. Offensive Intelligence--the business of divining the secrets of other nations.
2. Counter Intelligence and Security--operations designed to deny friendly secrets to the opposition.

3. Special Operations--the business of carrying out or supporting clandestine warfare against another state.

4. Political Warfare--the clandestine effort to influence the minds of the people or officials of another state.

5. Deception--the effort to disguise the true intentions of one's own policies and actions.

The advantage of recalling the British terminology for these various activities is to take note of the fact that the British assign each of these functions to distinct organizational entities. In the US this is not the case and the functional distinctions seem to have become badly blurred. One functional area (e.g., the responsibility for collecting information and producing intelligence about other nations) can be (and is) the responsibility of many agencies. At the same time a given intelligence agency (e.g., the CIA) can be (and is) involved in several or all of the functional activities simultaneously. These facts result in enormous semantic difficulties when the debate over the ethics (or, if you will, the morality) of an issue is joined. Take, for example, the following extract from a *Time* essay on the CIA (*Time*, 29 Sept 1975):

It was a year ago this month that the first revelation of Central Intelligence Agency dabbling in Chilean politics came out. Since then, more than a quarter-century's worth of skeletons . . . have tumbled from the agency's closet. Today the CIA is the least secret espionage service in the world, and its director, William Colby, the most visible and interrogated master spy in recent history. The agency has been in hot water before, of course. But unlike the uproar that followed the Bay of Pigs fiasco in 1961, the current controversy threatens the very existence of the CIA.

The CIA has lost, perhaps forever, the special dispensation that

it was allowed by many Americans and their elected representatives for the first 27 years of its existence. Few people today accept unquestioningly the notion that clandestine foreign operatives are a necessary evil. Even fewer would unblinkingly buy the assurance voiced by former CIA Director Richard Helms: "The nation must to a degree take it on faith that we, too, are honorable men devoted to her service." Almost daily, newspaper editorials, legislators and some presidential hopefuls characterize the CIA as a wasteful anachronism at best, an international menace and national disgrace at worst.

While William Colby is characterized as a master spy, the thrust of the criticism in *Time's* article (like many others) has nothing to do with spying--it has to do with the conduct of special operations or political warfare. It turns out that it is not unusual for the arguments about the ethics of intelligence activities to be like this--with the antagonists and protagonists talking about completely different subjects (one view is that the CIA is essential because national survival depends on intelligence while another argues that the CIA is a national disgrace because it has been known to dabble in Chilean politics).

The term "intelligence activities" has become so corrupted and misunderstood that it holds little useful meaning, particularly for the general public. Actually there are three distinctly different activities carried out under this sobriquet, each of which must be examined separately.

A. The Intelligence Function

The intelligence function is only the production of knowledge, usually about other states. It is a function that has been carried out by states throughout recorded history.

What enables the wise sovereign to achieve things beyond the reach of

ordinary men is foreknowledge. Such knowledge is not available from the gods, from the study of history or from calculations. It must be obtained by the use of secret agents. SUN TZU, Chinese military theorist, 600 BC.

And the Lord spake unto Moses saying, Send thou men that they may search the land of Canaan. And Moses sent them to spy out the land to see what it is and the people, whether they be strong or weak, few or many. Old Testament, Numbers 13:16.

Adequate knowledge of the policies, aspirations, and capabilities of foreign states, linked with adequate information about one's own domestic intentions and capabilities, provides the foundation on which each state can build its national policies. The requirement for states to interact with other states, whether they be friendly or belligerent, carries with it a requirement for states to develop knowledge as a basis for their foreign policy decisions. This requirement in turn places an inescapable responsibility on the national leadership of each state to provide for the collection of information from and about other states. The fact that Americans have historically been somewhat uncomfortable with the uses and responsibilities of power does not diminish in any way the obligation of our national government to provide for the collection and evaluation of information (i.e., the production of intelligence). The fact that the USA is in the position it is, as a world power, means that this effort has assumed global proportions.

The discharge of the intelligence function requires the accomplishment of three separate but related actions: 1) the acquisition of information from or about other nations, which is the *foreign collection* effort, 2) the acquisition of relevant information about one's own state—its citizens, economy, capabilities, limitations, requirements, etc., which is the *domestic collection* effort and, 3) the analysis and interpretation of the two sets of information, is termed the *intelligence production*

effort. Each of these aspects of the intelligence function poses very different ethical problems. For example, given the fact that information exists, there do not seem to be any ethical questions associated with the production of finished intelligence. The analyst is indeed an honorable man in the service of his country. The ethical questions really all arise in the conduct of foreign and domestic information collection. In fact, it is the latter—domestic collection—that seems to raise the most dogmatic, unreasoned outcries from its critics, and the least degree of outspoken defense from its defenders.

B. Special Operations

A second distinct function that intelligence agencies carry out is the conduct of operations or activities that are directed at influencing events rather than at producing knowledge.

The service [British Secret Service] is not only an instrument for gathering other people's secrets but also for making mischief among the King's enemies. Any act is permissible, even assassination. The only crime is to be caught. If an agent is caught, he will be disowned.

—Smith-Dummings, Chief
British Secret Service, 1911-1939

There are many kinds of maneuvers in war some only of which take place upon the battlefield. There are maneuvers far to the flank or rear. There are maneuvers in time, in diplomacy, in psychology, all of which are removed from the battlefield, but react often decisively on it.

—Winston Churchill
1925

This function is known under a variety of euphemisms, such as special operations, special warfare, strategic services, etc., and may be considered to involve such things as propaganda, bribery, murder, deception, sabotage, war and a

host of lesser actions against foreign individuals or states. It is in this category that we find such actions as the Bay of Pigs operation, the influencing of Chilean politics, assassination plots, and so on. These operations are called intelligence activities for reasons that are very unclear, except that they may involve common sources and similar means, and frequently the responsibility for their conduct rests with agencies called intelligence agencies. The British categories of special operations, political warfare and, to some extent, deception all fit into this single functional area.

C. Counterintelligence and Security

A third distinct function that is carried out by intelligence agencies are those activities aimed at stopping other states from gaining knowledge or carrying out operations that are considered inimical to one's own interests. This area is fairly well understood, commonly defined and has seldom been the subject of ethical confusion. A nation certainly has a right to protect its secrets and prevent subversive or other inimical actions against its people. Also, since for all practical purposes we can say this is largely a domestic operation, the ethics of counterintelligence and security activities tend to be proscribed by domestic laws. It is precisely here, however, that ethical questions now arise. The questions involve means rather than ends. Is it ethical to ignore or even break domestic laws in the pursuit of counterintelligence and security goals? Apparently Richard Nixon

thought it was when he equated domestic opposition to a national security threat. Apparently the British XX Committee thought it was when they executed only German agents who didn't cooperate, sparing those who did. Apparently the CIA and the Postal Department thought it was when they surveilled the mail of private citizens in the name of national security, and so on. Unlike the ethical questions raised by foreign and domestic collection activities and special operations, where the questions are generally about morality in the absence of standards, the ethical considerations of counterintelligence and security activities seem to predominantly involve the morality of violating accepted standards, usually legal ones.

One other dimension needs to be considered before one can apply an ethical yardstick to any of these activities. That is the question of war or peace. A soldier has no difficulty in rationalizing his role as a killer in wartime with the fact that it is a crime for him to kill in peacetime. How about the intelligence operative? Does he have one yardstick for war and one for peace? If he does, how does he judge whether we are at war or peace in the modern context? Does the same rationalization apply to justify the collection of information about one's potential enemies, as about one's actual enemies? How about the collection of information about one's friends?

Between the extremes of peace and war lies a spectrum of international relationships which,

FUNCTION

	Foreign Collection	Domestic Collection	Special Operation	Counterintelligence and Security
War	BLACK ZONE			
Varying International Tensions	GREY ZONE			
Peace	WHITE ZONE			

particularly in the past thirty years, has rendered many historical standards inappropriate. How does the intelligence operative, or for that matter the government, determine an appropriate morality for this vast range of circumstances? Perhaps only one thing should be clear. It is unlikely that the question can be answered in the simple context of a single ethical standard, or even of fixed ethical standards. The solution is more likely to involve the development of ethical standards for each of the situations depicted in the figure on page 4 in a manner which also recognizes a third dimension of complexity—time and situation.

Ethics

Most people who think of ethics in terms of good or bad behavior usually proceed to apply their *own* standards of good or bad to judge the behavior in question. This may have some value from the individual's perspective, but it is of only small relevance to the formulation of an ethical practice. It is the existence of an ethical standard that provides us with a capability to make collective judgments about what is good or bad in society, just as it is the existence of a *code* of ethics that allows an individual to judge the morality of his own conduct and actions in the light of contemporary circumstances. Such a code does not seem consciously to exist in the US intelligence community, or if it does, people in responsible positions have been very slow to defend it.

It is not useful to approach the problem as if the question is about the ethics of an agency (Is the CIA a national disgrace?). Nor is it particularly useful to castigate the perpetrators of historical events in the intelligence arena for whom no standards existed except their own judgment of what was required to ensure national security and survival. Nor is it particularly useful to try to apply the precedents of domestic law to the conduct of anything like foreign collection—the Constitution does not impart rights on foreign nations, etc. What is important, at this point in time, is to establish some understanding of what ethics are

and of how a code of ethics should be applied to each of the areas described in the first part of this paper.

What do we mean by ethics? Despite the almost overwhelming national debate, it is remarkable that there has been so little effort to define the term ethics in any of the current literature on the intelligence community. That is not to say it hasn't been done, but it certainly must not have been done often. Nor is that to say that the term ethics is not used. It is used often by both the antagonists and the protagonists of the behavior of the intelligence community, but always without explanation. Authors and speakers alike use the term as if it carries a crystal clear meaning to their audiences, but inevitably the real basis for their argument is a key, usually an implicit but often debatable assumption.

Take, for example, the following extract from Lyman Kirkpatrick's recent book, *The U.S. Intelligence Community*, in which he poses a number of rhetorical questions as a basis for his discussion of ethics:

Are the intelligence activities of the US government consistent with American ideology? Has the US succumbed to the philosophy that the ends justify the means? Is American democracy in danger of being destroyed by the means purportedly being used to preserve it? If the legitimacy of the intelligence community is established, what are the ethical and moral bases for such activities? Have the ethical aspects of intelligence work served in any way to damage or destroy the morality of the nation?

Kirkpatrick accepts the currently fashionable assumptions that the ethics of intelligence activities should be approached from the perspective of American "ideology," honorable means, democracy, the morality of the nation and so on, without ever discussing the relevance of these concepts.

The uselessness of Kirkpatrick's answer to his own questions perhaps illustrates as well as anything the potential difficulties of accepting this approach (although his conclusions do not differ greatly from other similar attempts by supposedly knowledgeable people).

While intelligence work may not be among man's most honorable activities, neither is it the least worthy. If the people of the US believe in their way of life and want it to survive, then they must take the steps necessary for survival.

His answer, which infers that since there may be at least one less honorable profession somewhere, things must not be all bad, and that anything that contributes to the maintenance of our way of life should be acceptable, cannot give much comfort to those who believe that a question of ethics requires searching appraisal.

How should ethics be defined? There are many definitions in the literature. For example, Webster's defines ethics as (1) "the study of standards of conduct and moral judgment or (2) the system or code of morals of a particular philosopher, group or profession." However, in the specialized literature ethics is defined in terms of several more difficult concepts. Some authors use the term "the doctrine of moral principles" to define ethics, others use the term "the science of human conduct," still others see ethics in terms of a "moral philosophy." One can see the difficulties with all these attempts at definition as soon as they are applied to real situations. There is no generally accepted doctrine of moral principles. There is no scientific way to explain all human conduct. There are numerous moral philosophies to call upon.

The words moral, ethical, virtuous and righteous are commonly used interchangeably. But these words also provide for a great deal of flexibility in constructing an argument about what is ethical. It can be (and is) argued that ethics has nothing to do with common morals or uncommon virtue; that what is ethical can

depend on a higher order of rationalization such as that used to justify the theft and disclosure of national secrets on the basis that there is a higher order appeal to reason than merely obeying the law or a government regulation.

Morality relates to good or bad behavior. But the determination of what is good or bad behavior is highly subjective, depending on what society is used to and the underlying philosophical basis for the judgment of behavior. Morals change over time; they are readily shaped as society changes. What is important to understand is that *moral* implies conformity with a generally accepted standard of goodness or rightness of conduct or character at a given time. That is, morality must be judged against a prevailing code of ethics, not the other way around.

The question of ethical behavior in the intelligence community only becomes relevant if one in fact has a code of ethics. Much of the current furor over the past behavior of the US intelligence community seems to be based on a false promise that there is something called a code of American behavior for people in the intelligence business. There is of course no such thing. "American ideology" does not provide much guidance for "honorable men dedicated to the service of their country" when the alternatives may involve the destruction of the state itself or even the destruction of all mankind. A code of ethics must provide an objective set of standards to help an individual decide the moral questions which he faces from time to time and the basis by which a wider society judges the morality of individual acts. The important question for America to answer is not what the code should contain in specific terms but who should establish it. There are three of many possible answers to this question.

A. Society As A Whole

The American people are entitled to know what their government has done, the good and the bad, the right and the wrong.

—Senator Church
June, 1975

The leaking of official secrets is desirable if the official secret is information that the government is improperly hiding from the public and which the public has a right to know. This is a very important part of democracy.

—Senator Cranston
August, 1975

Both of these statements are based on a supposition that all activities of the national government are conducted solely in the interests of individual members of society, that individual members of society must be informed of everything done on their behalf by their government, and that out of this exchange will come some form of appropriate guidance. If one argues that intelligence activities are only conducted on behalf of the individual members of society, one can argue that it is only right and proper that society as a whole create the code of ethics. It may seem that the ethics of every government agency should be established by the people to whom it is responsible, but the facts are that this has generally never been the case, and, in any case, this would clearly present the most difficult set of criteria to come to grips with. There are a number of problems inherent in any claim that individual interests predominate in the formulation of a public policy. To what extent can individuals be relied on to know what their own interests are? To what extent is it permissible for the society to give special weight to the interests of some individuals rather than others? How can the inevitably conflicting interests of millions of people be justly served by policies that do not serve them equally? Should certain interests such as personal liberty and freedom from search be accorded such extraordinary weight that they transcend another interest such as national security or are there gradations of individual rights throughout the fabric of our society? These problems generally make it impractical to formulate anything as complex as the subject on the basis of individual interests.

B. The Government

Another approach to the establishment of a code of intelligence ethics is to place responsibility on the group, within the society as a whole, which logically can be judged to hold rational and informed views toward the intelligence function itself and which, from the viewpoint of both the community and the society at large, has a legitimate responsibility toward standards-setting. In general, in the United States, it is the government grouping of which the intelligence community is a part, to which it reports, and to which it holds itself responsible that fills this requirement. In fact it is this group that the intelligence services tend to fall back on as the legitimate arbiter of ethical standards wherever forced by circumstances away from the use of "guild" ethics (which will be discussed next). Apart from the fact that this approach eliminates some of the complexities of the previous approach—it potentially, at least, limits the need to disseminate information which no one wants in the hands of foreign nations. It implicitly recognizes the argument that there is a national interest, conceived as something more than the interests of its individual members.

C. The Intelligence Community

Using the narrowest definition of ethics (the code of a particular profession) it can be argued (and is) that the code of ethics of the American intelligence community is set from within by the code of the world-wide intelligence community and that this is established by historical custom and practice. Using this concept, individuals regard themselves as highly skilled members of a worldwide "guild," practicing an art little understood outside the guild. Their activities are shrouded in secrecy, though they draw on a common history and common experiences. Individuals tend to have a common respect for each other as practitioners of a vital and sometimes dangerous trade regardless of whether they are cooperating or in opposition to each other.

The obvious tendency of this grouping is to judge intelligence ethics in the light of "what the other guys do." By implication, common practices are ethical, successful practices are ethical, or "whatever has to be done" is ethical. That the ethics of the American intelligence community have been "guild ethics" in the past should not be a surprise, nor a cause for criticism. With a couple of exceptions (like Stinson's policy "Gentlemen do not read each other's mail" and Eisenhower's acknowledgment of his responsibility for U-2 flights) there has never been any attempt by either the government or the people to establish any other basis for a code of ethics since the time the nation was founded. Nor should one jump necessarily to the conclusion that the guild ethics of the past are not in fact in the best interests of the nation after all. They have certainly stood other nations in good stead for more centuries than this country has existed.

Summary

It is virtually impossible today for an individual to take a rational position for or against any specific intelligence action on moral grounds. It is ridiculous to pontificate about actions that occurred in the past unless a domestic law violation was clearly involved. What is lacking is a code of ethics against which the morality of actions can be judged.

To conform with most Christian moral philosophies, a code of ethics would have to be a relative code and judgments would have to be made in terms of what is called "contextual ethics." This means that right would be determined by the total context of the decision and of reality—not by the application of moral laws from outside the context of the circumstances. This is a principle that seems to have escaped the notice of those who are currently bent on a witch hunt in the intelligence community.

There is no such thing as an American national ethic against which the morality of intelligence activities past, present, and future

can be judged. There is, therefore, no reasoned response to the question, is this or that activity consistent with an established morality, unless the action is one that clearly broke a law. Even then, if one argues that a nation's survival is its first and ultimate responsibility, and that national goals are conceived as something greater than individual goals, what is ethical does not necessarily need to be lawful. To quote two famous people from the annals of British history again:

We are bred to feel it is a disgrace ever to succeed by falsehood ... we keep hammering on the conviction that honesty is the best policy and that truth always wins in the long run. These pretty little sentiments do well for a child's copy book, but a man who acts on them had better sheathe his sword for ever.

—Sir Garnet Wolseley
Commander-in-Chief, British Army, 1869

In war-time truth is so precious that she should always be attended by a bodyguard of lies.

—Winston Churchill
Prime Minister, 1943

Again, what would be judged immoral in one context may have nothing to do with what is judged to be ethical in other circumstances.

The first key requirement is to differentiate between so-called intelligence activities on the basis of the ends they serve. Only then can questions of morality be applied to ends as well as means. Four functions have been identified which should be examined separately, each under a variety of scenarios ranging from what is traditionally known as war to what may pass for peace. The objective of this examination should be to avoid throwing the baby out with the bathwater in a spasm of righteous and misplaced morality. While it is nice for this nation to be at peace and to dream of being at peace for ever, history should teach the merits of using at least a certain amount of caution in that regard.

Once it has been determined which ends must be served and under what circumstances, the second key question is to determine who it is that should establish a code of ethics for each of the activities in question. There is little question that our society throughout our history has allowed most professional groups to establish their own objective standards of conduct to a major degree. However, in the case of the intelligence community, three factors have intruded.

1. The community appears to have done some things of very questionable wisdom regardless of standards of morality.

2. The community has done a very poor job of standing its ground on the basis of its own ethics when placed under attack.

3. A principal basis for all intelligence activities is to support the formulation or conduct of foreign and defense policies. As with most things in our society, times change and emphasis shifts. Foreign policy formulation, which was formerly considered the almost exclusive prerogative of the executive, is increasingly influenced by Congressional direction. This trend carries with it a natural tendency for increased Congressional interest in and regulation of national intelligence activities.

The Congress has now assumed and must shoulder the responsibility for establishing the ethical standards for the intelligence community—to clarify the confusion that has been caused by the destruction of confidence in former standards. In discharging this responsibility the Congress must also understand some new facts—the importance of distinguishing ends before means, the significance of contextual ethics, the importance of maintaining historical continuity as standards are changed, the undesirability of publicity for its own sake, and so on.

Congress does not have to set down a code of ethics in every last detail. In fact, in my judgment, that is to be avoided. What is

necessary is the establishment of clear guidance to the executive in sufficient detail to provide for the detailed implementation of standards by the executive branch. Common values link the American people and their government. We must have trust in these values while we forge institutional safeguards against abuse. It is not the society at large that can determine the proper ethical standard on a case-by-case basis. The society at large can, however, expect its representatives in government to provide guidance whereby its servants can judge the morality of their actions in the context of an ever-changing environment. The question is not whether national values should affect implementation of national policies but how. The purpose of our intelligence activities can be defined to safeguard those values and to do it without exposing honorable men to unnecessary public attack for past events.

Perhaps the single most useful action that could be taken in this whole field is to recognize and correct the difficulties that are caused by the poor definition and overlap of organizational functions. The clear separation of intelligence, special operations and counter-intelligence activities at the national level and the improvement of coordination within each of these areas would improve everyone's understanding of the processes involved. There are apparently few who question the need for nations to conduct covert intelligence activities in either peace or war and few who question the need to conduct special operations in war. However, there are many who question the desirability of special operations in peace and some, in influential positions, who are ready to condemn special operations under any circumstances. Without organizational changes in the intelligence community—including the removal of special operations functions from the CIA, new standards will be difficult to implement and even harder to monitor satisfactorily.

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